

Rejection Under 35 USC § 112

Claims 1-12 were rejected on the grounds that in claim 1 “said doped boehmite being prepared by converting a boehmite precursor and a dopant to a boehmite containing the dopant in a homogeneously dispersed state, said doped MgO or doped brucite being prepared by adding a dopant to a MgO or brucite precursor in aqueous suspension and thermally treating the resulting mixture” is new matter. Applicants respectfully disagree that the wording in question is new matter.

Basis in the instant text for “said doped boehmite being prepared by converting a boehmite precursor and a dopant to a boehmite containing the dopant in a homogeneously dispersed state” may be found in the paragraph bridging pages 7 and 8.

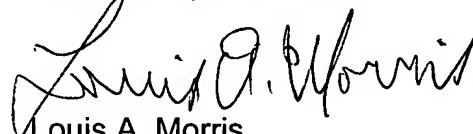
Basis in the instant text for “said doped MgO or doped brucite being prepared by adding a dopant to an MgO or brucite precursor in aqueous suspension and thermally treating the resulting mixture” may be found in the last paragraph on page 11.

Claims 1-12 were rejected on the further grounds that use of the word “converting” rendered the claims indefinite, since “converting” does not define what is taking place in the process. Applicants take strong exception to the Examiner’s position in this matter. The law is very clear that the standard for assessing whether a patent claim is sufficiently definite to satisfy the statutory requirement (section 112, paragraph 2) is whether one skilled in the art would understand the bounds of the claim when read in light of the specification. (*Exxon Research and Engineering Co. v. United States*, 60 USPQ 2D 1272, CAFC 2001).

In the present case, the specification includes a wealth of detailed information as to how the boehmite precursor and dopant are converted to a doped boehmite. The instant text on pages 8-11 presents not less than six processes by which such conversion may be effected. One skilled in the art would have a more than thorough understanding of the conversion in question and how it could be carried out and would view the claims in light of the specification to be unquestionably definite.

An early allowance of the instant claims is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Louis A. Morris".

Louis A. Morris  
Attorney for Applicant(s)  
Reg. No. 28,100

Akzo Nobel Inc.  
Patent and Trademark Department  
7 Livingstone Avenue  
Dobbs Ferry, N.Y. 10522  
(312) 544-7378